REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

By this paper, the abstract is amended. Applicant notes that the abstract has been amended to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure and to aid indexing, classifying and searching. 37 C.F.R. § 1.72(b); MPEP § 606.01. This amendment is ***not*** intended to narrow, limit, alter or otherwise characterize what Applicant regards as the invention. It is, of course, the claims and not the abstract that defines the invention being claimed.

Claims 1 and 3-10 are pending.

The office action rejected claims 1, 3-5, 9 and 10 under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0060736 to Wakao et al. ("Wakao"). [07/24/2007 Office Action at p. 2]. Claims 6-8 were found to be novel over the prior art but were rejected under § 103(a) as allegedly being unpatentable over Wakao in view of European Patent Application EP 1211587 to Lanthaler ("Lanthaler"). [07/24/2007 Office Action at p. 4].

B. Claims 1 and 3-10 Patentably Distinct from the Cited References

The rejections of claims 1 and 3-10 are respectfully traversed. As explained more fully below, the requirements for such rejections are not met. In particular, the cited references do not teach, disclose or suggest the "inspection data generating unit" of Applicant's claim 1.

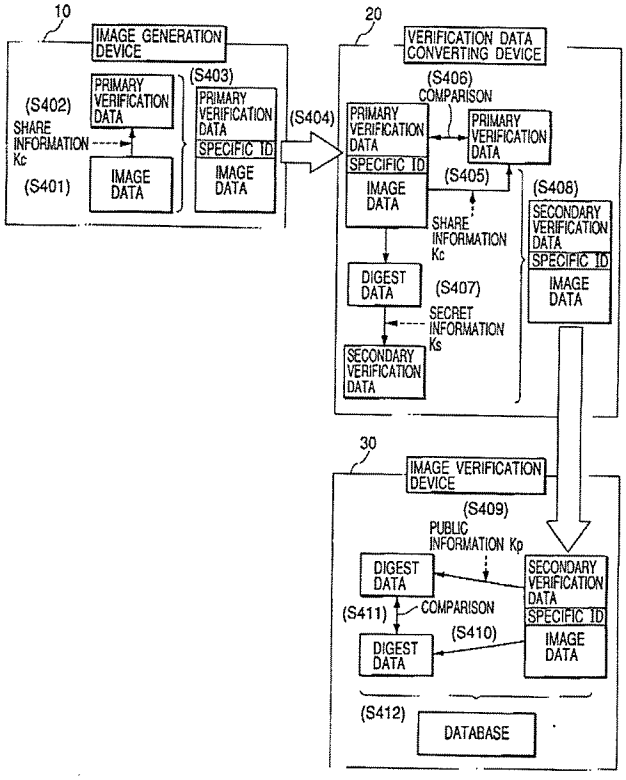
Applicant's claim 1 recites:

> 1. An image pickup apparatus comprising:
>
> an image pickup unit which captures an image and generates image data representing a captured image; and
>
> an inspection data generating unit which generates inspection data necessary to inspect whether the image data is modified or not,
>
> wherein said inspection data generating unit adds first data and second data to the image data, the first data indicating a generation method of the inspection data and the second data indicating a location of the image data.

Wakao is directed to an image verification system that determines whether image data generated by an image generation device has been altered. [Wakao, ¶0001]. The image verification system contains an image generation device, a verification data converting device and an image verification device. [Wakao, Figure 12; Wakao, ¶¶0037-004]. The image generation device, which may be an image pickup device such as a digital camera or scanner, "generates image data of a subject and primary verification data for verifying integrity of the image data." [Wakao, ¶0038]. The verification data converting device, which is a computer such as a personal computer verifies the integrity of the image data in the image file with primary verification data to determine whether the image data has been altered and generates secondary verification. [Wakao, ¶0039]. The image verification device verifies the integrity of the image data in the image file with secondary verification data and determines whether the image data of the file has been altered. [Wakao, ¶0040].

The office action asserts that Wakao discloses the "inspection data generating unit" at Figure 4, reference 10, and paragraph 0062. [07/24/2007 Office Action at 3]. Figure 4

(reproduced below) "is a diagram for illustrating the processing procedure of [Wakao's] image data verification system." [Wakao, ¶0048].



With respect to Figure 4, Wakao states that "the image generation device 10 generates primary verification data for generated image data from the image data and shared information Kc." [Wakao, ¶0050]. The shared information Kc, which is "the equivalent of an encryption key of a common key cryptography," is need for generation of the primary verification data. [Wakao, ¶0043]. The image generation device adds the generated primary verification data and the specific ID information of the image generation device to the header portion of the image file. [Wakao, ¶0060]. The specific ID of the image generation device corresponds to shared information Kc and secret information Ks of the image generation device used to generate the image data. [Wakao, ¶0062]

The office action states that "since the specific ID is used to determine the device that generates the verification (i.e., inspection) data and the generation method is associated with both the devices for the generation and the use of the data, the specific ID therefore necessarily indicates the generation method." [07/24/2007 Office Action at 3]. However, the shared information Kc and the secret information Ks do not identify the method of generating the primary verification data; rather, they are components of the generation method. Wakao discloses that the method for generating the primary verification data is a hash function. [Wakao, Figures 5A, 5B; Wakao ¶¶0051-0059 (describing the method for generating the primary verification data as a hash function, of which shared information Kc and secret information Ks are parts)]. Further, in Wakao, the hash function used in the image verification system is constant, and only the secret and shared information change depending on the image generation unit used to generate the image data. Moreover, merely knowing the shared and secret information to be used in a hash function is not sufficient to gain knowledge of the hash function used. Thus, as the specific ID of image generation device only identifies the shared and secret information, it does not identify the hash function used to generate the primary verification data. Therefore, Wakao does not teach, disclose or suggest "an inspection data generating unit which generates inspection data necessary to inspect whether the image data is modified or not, wherein said inspection data generating unit adds first data and second data to the image data, the first data indicating a generation method of the inspection data and the second data indicating a location of the image data" as recited in Applicant's claim 1.

Lanthaler, a secondary reference also cited in the office action, is directed to a method for electronically distributing program language code that allows a user to determine if the code has been modified with the knowledge or consent of either the software producer or the

customer. [Lanthaler, ¶¶0001-0005]. Lanthaler discloses encoding the programming language code with additional data related to the programming language code (e.g., "identifier of the code page, signature version, file name, file version, file release, and vender identifier"). [Lanthaler, ¶¶0023-00027]. The office action relies upon Lanthaler and asserts that it discloses certain aspects of dependent claims 6-8. Without commenting on those assertions, Applicant notes that the office action does not contend that Lanthaler teaches, discloses or suggests "an inspection data generating unit which generates inspection data necessary to inspect whether the image data is modified or not, wherein said inspection data generating unit adds first data and second data to the image data, the first data indicating a generation method of the inspection data and the second data indicating a location of the image data" as recited in Applicant's claim 1. Applicant's own review of Lanthaler confirms that it does not teach, disclose or suggest "an inspection data generating unit which generates inspection data necessary to inspect whether the image data is modified or not, wherein said inspection data generating unit adds first data and second data to the image data, the first data indicating a generation method of the inspection data and the second data indicating a location of the image data" as recited in Applicant's claim 1.

Accordingly, as Applicant cannot find the "inspection data generating unit" of claim 1 in Wakao or Lanthaler at least independent claim 1 and its dependent claims 3-10 are respectfully asserted to be in condition for allowance.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind the documents cited by the office action or to otherwise submit evidence to traverse the rejection at this time. Applicant, however,

reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

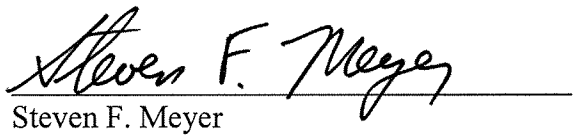
CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5162.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 24, 2007

By: 

Steven F. Meyer
Registration No. 35,613

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile